

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ken Peterson, on January 11, 2011 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Ken Peterson, Chairman (R)
Rep. Krayton Kerns, Vice Chairman (R)
Rep. Diane Sands, Vice Chairman (D)
Rep. Liz Bangerter (R)
Rep. Robyn Driscoll (D)
Rep. Kris Hansen (R)
Rep. Bill Harris (R)
Rep. Ellie Boldman Hill (D)
Rep. David Howard (R)
Rep. Cleve J. Loney (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Mike Menahan (D)
Rep. Michael (Mike) More (R)
Rep. Jesse O'Hara (R)
Rep. Joe Read (R)
Rep. Keith Regier (R)
Rep. Dan Skattum (R)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. Carolyn Pease-Lopez (D)

Members Absent: None

Staff Present: Karen Armstrong, Committee Secretary
David Niss, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 65, 1/7/2011; HB 114, 1/7/2011; HB 167, 1/7/2011

Executive Action: HB 65, HB 96, HB 97

00:00:11 Chairman Peterson

HEARING ON HB 65

Opening Statement by Sponsor:

00:04:57 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 65, Revise payment for court interpretation services.

00:08:29 Chairman Peterson

Proponents' Testimony:

00:08:37 Lois Menzies, Court Administrator for the Supreme Court

00:09:56 Chairman Peterson

00:10:02 Beth Brenneman, Disability Rights Montana

00:10:26 Chairman Peterson

Opponents' Testimony:

Informational Testimony:

Questions from Committee Members and Responses:

Closing by Sponsor:

00:10:51 Rep. Menahan

HEARING ON HB 114

Opening Statement by Sponsor:

00:11:06 Rep. Jesse O'Hara (R), HD 18, opened the hearing on HB 114, Amend Montana crime victims compensation act.

00:13:51 Chairman Peterson

Proponents' Testimony:

00:14:01 Ali Bovington, on behalf of Attorney General's Office (AG)

[EXHIBIT\(juh08a01\)](#)

00:17:59 Chairman Peterson

[EXHIBIT\(juh08a02\)](#)

00:21:45 Chairman Peterson

00:21:56 Kelsen Young, Executive Director of Montana Coalition Against Domestic and Sexual Violence

00:23:06 Chairman Peterson
 00:23:18 Marietta Jaeger-Lane, Three Forks, Montana, mother of homicide victim
 00:27:47 Chairman Peterson
 00:27:53 Jim Smith, Montana Sheriff's and Peace Officers Association and Montana
 County Attorney's Association
 00:28:49 Chairman Peterson
 00:29:00 Beth Brenneman, Disability Rights Montana
 00:29:25 Chairman Peterson
 00:29:29 Katie McKeown, Montana Family and Friends of Homicide Victims
 00:30:59 Chairman Peterson

Opponents' Testimony:

Informational Testimony:

Questions from Committee Members and Responses:

00:31:25 Rep. More
 00:32:00 Ms Bovingdon, AG
 00:32:16 Rep. More
 00:32:20 Chairman Peterson
 00:32:25 Rep. Warburton
 00:32:52 Ms Bovingdon
 00:34:30 Chairman Peterson
 00:34:34 Rep. Harris exited.
 00:34:36 Vice Chairman Kerns
 00:34:47 Ms Bovingdon
 00:34:58 Matthew Dale, Director, Department of Justice, Office of Consumer Protection
 and Victim Services (DOJ)
 00:35:35 Vice Chairman Kerns
 00:35:40 Chairman Peterson
 00:35:43 Vice Chairman Kerns
 00:35:49 Mr. Dale, DOJ
 00:35:56 Chairman Peterson
 00:36:06 Rep. Howard
 00:36:14 Ms Bovingdon
 00:36:18 Rep. Pease-Lopez entered.
 00:37:59 Chairman Peterson
 00:38:44 Ms Bovingdon
 00:38:56 Chairman Peterson
 00:39:00 Mr. Dale
 00:39:50 Chairman Peterson
 00:39:54 Mr. Dale
 00:40:06 Chairman Peterson
 00:40:09 Mr. Dale
 00:40:21 Chairman Peterson
 00:40:24 Rep. Menahan
 00:40:38 Chairman Peterson
 00:40 40 Rep. Harris returned.

Closing by Sponsor:

00:40:52 Rep. O'Hara

HEARING ON HB 167

Opening Statement by Sponsor:

00:41:33 Rep. Keith Regier (R), HD 5, opened the hearing on HB 167, Criminalize offense involving death to an unborn child.

00:44:39 Rep. Hansen exited.

Proponents' Testimony:

00:47:21 Chairman Peterson
00:47:24 Greg Trude, Executive Director, Right to Life in Montana
00:48:11 Chairman Peterson
00:48:19 Jeff Laszloffy, President, Montana Family Foundation
00:50:32 Chairman Peterson
00:50:38 Dallas Erickson, Montana Citizens for Decency through Law
00:51:14 Rep. Howard exited.
00:54:27 Chairman Peterson
00:54:30 Rep. Hansen returned.
00:54:32 Harris Himes, Hamilton, Montana Eagle Forum, Pastor
00:55:42 Rep. Menahan
00:55:43 Rep. Wagner exited.
00:55:49 Chairman Peterson
00:55:52 Mr. Himes
00:56:37 Chairman Peterson

Opponents' Testimony:

00:57:17 Niki Zupanic, American Civil Liberties Union of Montana (ACLU)
00:59:04 Chairman Peterson
00:59:07 Alex Corcoran, Natural Abortion Rights Action League Pro-Choice Montana (NARAL)
00:59:42 Rep. Wagner returned.
01:00:22 Chairman Peterson
01:00:27 Lindsey Love, Planned Parenthood of Montana
01:04:11 Chairman Peterson
01:04:16 Kelsen Young, Executive Director, Montana Coalition Against Domestic and Sexual Violence
01:05:24 Chairman Peterson

Informational Testimony:

None

Questions from Committee Members and Responses:

01:05:51 Rep. Warburton
01:06:02 Rep. Howard returned.
01:06:09 Mr. Trude
01:06:17 Rep. Warburton
01:06:26 Mr. Trude
01:06:34 Rep. Warburton
01:06:43 Mr. Trude
01:06:50 Rep. Warburton
01:07:11 Mr. Trude
01:07:16 Rep. Sands
01:07:22 Rep. Regier
01:07:28 Rep. Sands
01:08:02 Rep. Regier
01:08:28 Rep. Sands
01:08:50 Chairman Peterson
01:08:54 Rep. Harris
01:09:01 Ms Love
01:09:10 Rep. Harris
01:10:13 Ms Love
01:11:23 Rep. Harris
01:11:53 Ms Love
01:12:43 Rep. Harris
01:13:18 Ms Love
01:13:22 Chairman Peterson
01:13:25 Rep. Driscoll
01:13:29 Rep. Regier
01:13:35 Rep. Driscoll
01:13:57 Rep. Regier
01:14:10 Rep. Driscoll
01:14:13 Chairman Peterson
01:14:15 Rep. Hill
01:14:20 Mr. Erickson

EXHIBIT(juh08a03)

01:14:32 Rep. Hill
01:14:43 Mr. Erickson
01:15:02 Rep. Hill
01:15:08 Mr. Himes
01:15:39 Rep. Hill
01:15:43 Mr. Himes
01:15:47 Rep. Hill
01:16:05 Mr. Himes
01:16:20 Rep. Hill
01:16:23 Mr. Himes
01:16:44 Rep. Hill
01:16:47 Chairman Peterson
01:16:51 Rep. O'Hara
01:16:57 Ms Love
01:17:09 Rep. O'Hara

01:17:36 Ms Love
01:17:50 Rep. O'Hara
01:17:55 Chairman Peterson
01:17:57 Rep. Bangerter
01:18:04 Ms Zupanic, ACLU
01:18:15 Rep. Bangerter
01:18:37 Ms Zupanic
01:19:19 Rep. Bangerter
01:19:24 Chairman Peterson
01:19:29 Rep. Bangerter
01:19:42 Ms Zupanic
01:20:48 Rep. Bangerter
01:20:53 Chairman Peterson
01:20:55 Rep. Menahan
01:21:34 Mr. Trude
01:22:25 Rep. Menahan
01:22:33 Rep. O'Hara exited.
01:22:54 Mr. Trude
01:23:34 Rep. Menahan
01:23:38 Chairman Peterson
01:23:41 Rep. Hansen
01:25:03 Ms Zupanic
01:25:30 Rep. O'Hara returned.
01:26:18 Chairman Peterson
01:26:28 Rep. Skattum
01:26:39 Ms Love
01:26:42 Rep. Skattum
01:27:22 Ms Love
01:27:26 Rep. Skattum
01:27:31 Ms. Love
01:28:05 Rep. Skattum
01:28:09 Chairman Peterson
01:28:11 Rep. Skattum
01:28:48 Ms Love
01:29:08 Rep. Skattum
01:29:13 Chairman Peterson
01:29:16 Ms Zupanic
01:29:42 Rep. Skattum
01:30:01 Ms Zupanic
01:31:01 Rep. Skattum
01:31:06 Ms Zupanic
01:31:10 Chairman Peterson
01:31:12 Rep. Hansen
01:31:17 Rep. Regier
01:31:24 Rep. Hansen
01:31:48 Rep. Regier
01:31:51 Chairman Peterson
01:32:09 Rep. Harris
01:32:26 Ms Zupanic
01:32:35 Chairman Peterson

01:32:45 Rep. Harris
 01:34:09 Ms Zupanic
 01:35:10 Rep. Harris
 01:35:16 Chairman Peterson
 01:35:17 Rep. Harris
 01:35:40 Ms. Zupanic
 01:35:54 Chairman Peterson
 01:36:00 Rep. Loney
 01:36:06 Ms Love
 01:36:14 Rep. Loney
 01:36:24 Ms. Love
 01:36:56 Chairman Peterson
 01:37:00 Vice Chairman Kerns
 01:37:23 Ms Zupanic
 01:38:08 Vice Chairman Kerns
 01:38:13 Chairman Peterson
 01:38:17 Ms Zupanic
 01:38:23 Chairman Peterson
 01:38:28 Ms Zupanic
 01:38:54 Chairman Peterson
 01:39:10 Ms Zupanic
 01:39:37 Chairman Peterson
 01:39:42 Ms Zupanic
 01:39:45 Chairman Peterson
 01:39:56 Ms Zupanic
 01:41:29 Chairman Peterson
 01:41:34 Ms Zupanic

Closing by Sponsor:

01:41:50 Rep. Regier
[EXHIBIT\(juh08a04\)](#)
 01:43:53 Hearing closed
 01:44:10 Meeting recessed.
 02:00:28 Meeting reconvened.

EXECUTIVE ACTION ON HB 96

02:03:00 **Motion:** Rep. Menahan moved that **HB 96 DO PASS.**

Discussion:

02:03:18 Rep. Menahan
 02:05:28 Chairman Peterson
 02:05:34 Rep. Regier
 02:05:59 Rep. Menahan
 02:06:20 Chairman Peterson
 02:06:22 Rep. Hansen
 02:07:18 Rep. Menahan

02:08:37 Chairman Peterson
02:10:00 Rep. Sands
02:10:15 Rep. Menahan
02:10:21 Rep. Sands
02:10:27 Rep. Menahan
02:11:03 Chairman Peterson
02:11:30 Rep. Hansen
02:12:02 Rep. Menahan
02:12:07 Rep. Hansen
02:12:10 Rep. Menahan
02:12:43 Rep. Hansen
02:12:49 Rep. Menahan
02:12:51 Rep. Hansen
02:12:56 Rep. Menahan
02:13:15 Rep. Hansen
02:13:18 Chairman Peterson
02:14:02 Rep. Sands called the question.

02:14: 06 **Vote:** Motion carried 16-4 by roll call vote with Rep. Howard, Rep. Kerns, Rep. Skattum and Rep. Wagner voting no.

02:17:09 Chairman Peterson
02:17:11 Rep. Sands
02:17:42 Rep. Hansen
02:17:50 Chairman Peterson
02:19:01 Rep. Sands
02:19:20 Rep. Hansen

02:19:22 **Motion:** Rep. Sands moved to **RECONSIDER THE MOTION** on **HB 96**.

02:18:25 Rep. Menahan voiced no objection

Discussion:

02:18:01 Rep. More
02:18:55 Chairman Peterson
02:19:06 Rep. O'Hara
02:19:28 Chairman Peterson

02:19:30 **Vote:** Motion failed 9-11 by roll call vote with Rep. Bangerter, Rep. Driscoll, Rep. Hill, Rep. MacDonald, Rep. Menahan, Rep. More, Rep. Pease-Lopez, Rep. Sands and Rep. Wagner voting aye.

02:22:53 Rep. Sands
02:23:04 Chairman Peterson

EXECUTIVE ACTION ON HB 97

02:23:14 **Motion:** Rep. Menahan moved that **HB 97 DO PASS.**

Discussion:

02:23:43 Rep. Hansen

02:23:47 Chairman Peterson

02:23:43 **Motion:** Rep. Hansen moved that **HB 97 BE AMENDED.**

EXHIBIT(juh08a05)

Discussion:

02:24 12 Chairman Peterson

02:24:16 Rep. Hansen

02:26:14 Rep. Sands

02:26:38 Mr. Niss

02:26:42 Rep. Sands

02:26:53 Chairman Peterson

02:26:56 Rep. Menahan

02:27:15 **Vote:** Motion carried 11-9 by roll call vote with Rep. Bangerter, Rep. Driscoll, Rep. Hill, Rep. Loney, Rep. MacDonald, Rep. Menahan, Rep. More, Rep. Pease-Lopez and Rep. Sands voting no.

02:30:22 **Motion:** Rep. Menahan moved that **HB 97 DO PASS AS AMENDED.**

02:30:47 Chairman Peterson

02:30:50 Rep. Warburton

02:30:55 Rep. Menahan

02:33:00 Rep. Warburton

02:33:10 Rep. Menahan

02:33:53 Chairman Peterson

02:34:09 Rep. Menahan

02:35:13 Chairman Peterson

02:35:19 Rep. Menahan

02:35:30 **Vote:** Motion carried unanimously by roll call vote.

02:36:55 Rep. Sands

02:37:01 Chairman Peterson

02:37:09 Rep. Sands

02:37:12 Rep. Menahan

EXECUTIVE ACTION ON HB 65

02:37:21 **Motion:** Rep. Menahan moved that **HB 65 DO PASS.**

Discussion:

02:37:34 Rep. Howard
02:37:52 Rep. Menahan
02:38:38 Rep. Howard
02:38:45 Rep. Harris
02:39:04 Chairman Peterson
02:39:21 Rep. Menahan
02:39:48 Chairman Peterson

02:39:55 **Vote:** Motion carried unanimously by voice vote.

02:40:17 Chairman Peterson
02:40:45 Mr. Niss
02:41:47 Chairman Peterson
02:41:50 Rep Sands
02:42:02 Chairman Peterson
02:42:16 Rep. Howard
02:42:23 Chairman Peterson
02:42:36 Rep. Sands

EXECUTIVE ACTION ON HB 114

02:43:41 **Motion:** Rep. O'Hara moved that **HB 114 DO PASS.**

02:43:44 Rep. Warburton
02:43:53 Chairman Peterson
02:43:59 Rep. O'Hara withdrew his motion.

ADJOURNMENT

02:43:59 Adjournment: 10:54 am

Karen Armstrong, Secretary

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